

IN THE HIGH COURT OF GUJARAT AT AHMEDABAD

CIVIL REVISION APPLICATION No 1489 of 1996

to

CIVIL REVISION APPLICATION No 1511 of 1996

For Approval and Signature:

Hon'ble MR.JUSTICE N.N.MATHUR

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1. Whether Reporters of Local Papers may be allowed to see the judgements?
2. To be referred to the Reporter or not?
3. Whether Their Lordships wish to see the fair copy of the judgement?
4. Whether this case involves a substantial question of law as to the interpretation of the Constitution of India, 1950 of any Order made thereunder?
5. Whether it is to be circulated to the Civil Judge?

SORJI KASHUJI

Versus

SECOND SPECIAL LAND ACQUISITION OFFICER

Appearance:

MR NITIN M AMIN for Petitioner

GOVERNMENT PLEADER for Respondent No. 1

CORAM : MR.JUSTICE N.N.MATHUR

Date of decision: 06/04/98

ORAL JUDGEMENT

Heard learned counsel for the parties.

Rule.

The petitioner has challenged the impugned order dated 25th March, 1986 passed by the Assistant Judge, Narol, only to the limited extent of not awarding the amount of interest at the rate of 6% as per the provisions of section 4 (3) of the Act No.13 of 1967.

Learned counsel for the petitioner has invited my attention to the Division Bench judgment of this Court passed in group of First Appeals being First Appeal No. 1906 of 1985 and allied matters decided on 11-2-1986. In the same acquisition matter, the Court has held that the claimants are entitled to special interest under sub-section 3 of section 4 of the Land Acquisition (Amendment and Validation) Act, 1967.

In view of the aforesaid and for the reasons and the conclusions arrived at in the judgment of the Division Bench referred to above, these revision applications are allowed and it is directed that the petitioner shall be paid special interest under sub-section 3 of section 4 of the Land Acquisition (Amendment and Validation) Act, 1967 and market value of the land as determined by the trial court exclusive of solatium for the period after expiry of three years from the date of publication of notification under section 4 of the Land Acquisition Act till the deposit or payment thereof in the trial court. Rule made absolute to the aforesaid extent.

zgs/-